

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE**

STATE OF DELAWARE,	)	
	)	
v.	)	ID Nos.: 2108001658
	)	2201000314
DUSTIN HARPER,	)	
	)	
Defendant.	)	

**ORDER**

This 12th day of April, 2023, upon consideration of Defendant, Dustin Harper's ("Defendant"), *pro se* Motion for Level IV Sentence Modification (the "Motion"),<sup>1</sup> the sentence imposed upon Defendant, and the record in this case, it appears to the Court that:

1. On September 13, 2022, Defendant was found in violation of the terms of his probation and sentenced to three years at Level V, suspended after 90 days at Level V, followed by six months at Level IV Department of Corrections ("DOC") discretion, followed by 1 year at supervision Level III probation.<sup>2</sup>

2. On January 3, 2023, Defendant filed the instant Motion, seeking a reduction of the Level IV portion of his sentence and a modification of the Level III

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<sup>1</sup> D.I. 10, Case ID No. 2108001658; D.I. 13, Case ID No. 2201000314 ("Def.'s Motion").

<sup>2</sup> D.I. 12, Case ID No. 2201000314.

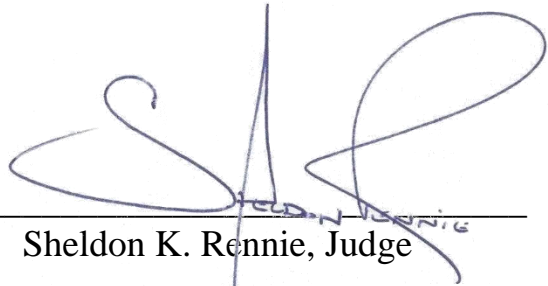
portion of his sentence to include the mandatory completion of out-patient treatment with Banyon Treatment Services.<sup>3</sup>

3. On April 7, 2023, Defendant completed the Level IV portion of his sentence and began the Level III period of probation.<sup>4</sup>

4. Because the Level IV portion of Defendant's sentence has already expired, the Court cannot issue an order that would further reduce that sentence. Hence, the Court will defer to the discretion of the DOC with regard to Defendant's request for treatment with Banyon Treatment Services.

For the foregoing reasons, the Court finds that the Defendant's Motion for Modification of Sentence is **MOOT** and the Motion is hereby **SUMMARILY DISMISSED**.

**IT IS SO ORDERED.**



Sheldon K. Rennie, Judge

Original to Prothonotary

Cc: Dustin Harper (SBI #00521033)  
Marc Petrucci, DAG, Department of Justice, Wilmington, DE

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<sup>3</sup> Def.'s Motion at 2.

<sup>4</sup> D.I. 51, Case ID No. 2108001658.